

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN FRANCISCO DIVISION**

11 CONTINENTAL D.I.A. DIAMOND
12 PRODUCTS, INC., a California corporation,

13 Plaintiff,

14 vs.

15 DONG YOUNG DIAMOND INDUSTRIAL
16 CO., LTD., a South Korean company,
17 DONGSOO LEE, an individual, and DOES 1-
18 10, inclusive,

19 Defendants.

20 AND RELATED COUNTERCLAIMS.

Case No. CV 08-2136 SI

**FIFTH JOINT STIPULATION AND
[PROPOSED] ORDER FOR
MODIFICATION OF CASE
MANAGEMENT SCHEDULE AND
TRIAL DATE**

Judge: Honorable Susan Illston

Complaint Filed: April 24, 2008
Trial Date: July 1, 2010

21
22 **STIPULATION**

23 WHEREAS, Continental D.I.A. Diamond Products, Inc. (“Continental” or “Plaintiff”) and
24 Defendants Dong Young Diamond Industrial Co., Ltd. and DongSoo Lee (collectively
25 “Defendants”) continue to engage in settlement discussions, which respective counsel believe have
26 lead to a final resolution of this matter;

27 WHEREAS, the parties have reached near final agreement on terms of settlement and have
28 taken steps to assure settlement once reached will be effected;

1 WHEREAS, respective counsel for the parties have been and continue to be in frequent
2 contact to attempt to resolve the differences between the parties;

3 WHEREAS, the parties, mindful of this Court's interest in having this case resolved, and
4 confident of the parties' ability to resolve this highly complex matter, are diligently working to
5 finalize the settlement agreement. However, given the complicated nature of some of the
6 intellectual property at issue and due to the continuing time-zone and communication, multi-lingual
7 and multi-cultural challenges faced by counsel for Defendants, the parties require a small amount of
8 additional time;

9 WHEREAS, counsel for the parties believe that an additional fifteen (15) day suspension of
10 applicable deadlines in this case will allow the parties and counsel to continue to devote their
11 attention and resources to a final resolution of this matter;

12 WHEREAS, the agreed upon extension of the fact and expert discovery deadlines, and
13 dispositive motion deadlines is not for the purpose of delay, and the parties believe that this
14 reasonable extension of time may well obviate the need for trial in this matter, and is in the interests
15 of fairness and judicial economy.

16 ACCORDINGLY, the parties, by and through their undersigned counsel, HEREBY
17 STIPULATE as follows:

18 In order to avoid prejudicing the parties' discovery efforts and trial preparations, and to
19 allow the parties to focus on settlement negotiations, the parties agree and respectfully request that
20 the current pre-trial schedule be modified as follows:

21 1. The fact discovery cut-off, which is currently set for February 22, 2010, is extended
22 to March 9, 2010;

23 2. The deadline to designate experts, which is currently set for March 31, 2010, is
24 extended to April 15, 2010;

25 3. The deadline to designate rebuttal experts, which is currently set for April 26, 2010,
26 is extended to May 11, 2010; and

27 4. The expert discovery cut-off, which is currently set for May 12, 2010, is extended to
28 May 27, 2010.

- Dispositive Motions Due: April 1, 2010
- Oppositions Due: April 13, 2010
- Replies Due: April 22, 2010

6. The hearing on dispositive motions, which is currently set for May 3, 2010, is reset for May ²¹~~18~~, 2010, or as soon thereafter as the Court's schedule permits.

7. All other deadlines are tolled for fifteen (15) days as of the date of this stipulation.

IT IS SO STIPULATED BY THE PARTIES.

Dated: January 15, 2010

By: /s/ Jeffrey M. Ratinoff
JEFFREY M. RATINOFF

Attorneys for Plaintiff/Counter-Defendant,
Continental D.I.A. Diamond Products, Inc.

Dated: January 15, 2010 PRETI FLAHERTY BELIVEAU & PACHIOS, LLP

By: /s/ Alfred C. Frawley
ALFRED C. FRAWLEY

Attorneys for Defendants/Counterclaimants,
Dong Young Diamond Industrial Co., Ltd., and DongSoo Lee

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated:

Susan Blanton

THE HONORABLE SUSAN ILLSTON
UNITED STATES DISTRICT COURT JUDGE